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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/642,252	08/15/2003	Adele Boone	8490DIV	1552
7590 06/29/2005 Samuels, Gauthier & Stevens LLP Suite 3300 225 Franklin Street Boston, MA 02110			EXAMINER JACKSON, GARY	
			ART UNIT 3731	PAPER NUMBER

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No.	Applicant(s)	
	10/642,252	BOONE ET AL.	
	Examiner	Art Unit	
	Gary Jackson	3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Benefit of Earlier Filing Date

Applicant is reminded that the first page of the specification must be amended in order for a patent issuing on the instant application to obtain the benefit of priority based on the parent Application.

This application is responsive to the preliminary amendment filed August 15, 2003.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shikinami (US Patent 6,281,262) in view of Sinclair et al. (US Patent 5,834,582) and Suzuki et al. (USPN 6,136,905). The patent to Shikinami discloses a method of anastomosing two ends of tissue by placing a biodegradable shrink film around each end of tissue and increasing the temperature of the shrink film to its glass transition temperature; wherein the lactic acid is the base amount of the shrink film mixture lactic acid and polyglycolic acid. Shikinami does not disclose the specific amount of the mixture as recited. See the Abstract of the Disclosure; column 12, line 61-column 13, line 4 and column 11, lines 19-22.

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Sinclair et al. discloses heat shrinkable (Column 20, lines 44 – 45), non-porous biodegradable films and molded products (Column 5, lines 30 – 38) made from lactic acid and polyglycolic acid (Column 18, lines 27 – 30) where the lactic acid makes up greater than 75% by weight (Column 12, lines 17 – 19), preferably about 80 to 95% by weight (Column 12, line 66 to Column 13, line 4), of the film. The lactic acid may be polylactic acid made from L-lactide (Column 13, lines 18 – 20). A modifier, such as a plasticizer, (Column 8, lines 31 – 32) is added to the film, where the modifier is selected from a group including L-lactide (Column 16, lines 19 – 24 and Column 13, lines 46 – 49). Depending on properties desired in the film, the characteristics of the film may be changes to have an elongation between 2 and 500%, a glass transition temperature of at room temperature or below and a degradation time of 3 to 24 months (Column 20, line 63 to Column 21, line 51). Sinclair and Suzuki et al suggests making a biodegradable film having a mixture of lactic acid and polyglycolic acid having at least 75% lactic acid by weight.

It would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided modify Shikinami with a selected amount of plasticizer in Sinclair et al. for the purpose of changing the flexibility of the formed film as taught by Suzuki et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Jackson whose telephone number is (571) 272-4697. The examiner can normally be reached on Mon.-Thurs. 7:30 am to 6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Antoine Nguyen can be reached on (571) 272-4693. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gary Jackson
Primary Examiner
Art Unit 3731

A handwritten signature in black ink that reads "Gary Jackson". The signature is written in a cursive, flowing style.

gj
June 26, 2005